

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

THE STATE OF WYOMING,)	
)	
Plaintiff,)	
)	
vs.)	Docket No.16CR19
)	
GILBERT W. WILES JR.,)	
)	
Defendant.)	
)	

**DEFENDANT’S OBJECTION TO NOTICE OF CO-CONSPIRATOR
STATEMENTS**

Defendant Gilbert Wiles Jr., by and through his attorney, Dion J. Custis, hereby objects to the government’s notice of co-conspirator statements.

As indicated in the notice, the government is attempting to introduce statements made by Scott Lewis to another unnamed individual who the government has labeled a co-conspirator without any foundation or fact supporting such assertion. Further, the government alleges that statements about the location of Mr. Wiles and trying to get a legal team together for Mr. Lewis are somehow statements made in the furtherance of the conspiracy. It is a feeble attempt to try to categorize these statements as co-conspirator statements and fail on all counts to meet the requirements of Rule 801(d)(2)(E).

First, there is absolutely no proof that a conspiracy existed, second, Mr. Wiles was not part of any conspiracy, and third, these are not even statements that could be considered to be

made in the furtherance of any conspiracy as they were phone calls to a friend or family member mostly about trying to get help for his current legal situation.

Much like the entire case, the government is assuming facts that are not present and basing their theory on speculation rather than concrete facts and evidence. The government claims conversations with this unknown individual are from a co-conspirator when it doesn't even know who the person is. In addition, the government claims that this person "told Lewis that Wiles was in contact with "Lenny", another "unknown co-conspirator, and that Wiles was picked up." The government has no idea who Lenny is yet alone a co-conspirator and saying that someone was "picked up" is hardly the substance of a co-conspirator statement.

Wherefore, Defendant requests that the government's intent to introduce such statements be denied and the Court caution the government about trying its case with unsupported innuendo and speculation.

Respectfully submitted this 14th day of April, 2016.

Respectfully submitted,

/s/Dion J. Custis
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CERTIFICATE OF SERVICE

The was served on all parties electronically.

/s/ Dion J. Custis
Dion J. Custis